1949

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File No. Industrial Relations III/49 (R

Legal Department-

B BRANCH

Subject:—

Rules under the Bombay Industrial Relations Act, 1946

File No. [redacted]

Gen. 194 e.

116 B

Legal Department.

The draft notification embodying the amendments approved by the Secretary, Labour Department, is legally in order.

2. Form XI, Parts II and III of Form XII and Form XIII.

Section III(b) empowers the Provincial Government to require any employain respect of any industry to maintain and submit copies of record regarding the data relating to plant, premises and manufacture, and other industrial transactions and dealings which in the opinion of the Provincial Government are likely to affect industrial matters covered by the Schedules to the Act. Form XI provides for information in respect of machinery. Form XII relates to information regarding machinery production. Under Part II of that Form, the employer is required to give information regarding certain information plants, and under Part III it is sought to obtain information regarding the speed of dorfer and cylinder in card-room. All these provisions would be covered by clause (b) (i) of section III read with entry (i) in Schedule III to the Act and are intra vires.

Form XIII (renumbered XII) is obviously covered by clause (b)(ii) if section III and is intra vires of the Act.

S. D.

Additional Secretary to Government.

U.R. TO Labour Deptt. No. 1700, dated the 12th Feb. 1949.

VOP.
4-6-56. 5/7

U.R. to Lab. Deptt., No. 4364, dated the 28th February 1949.

VCP.

4-8-56.

Legal Department.

A revised draft notification is sent herewith. A slight consequential amendment is also necessary in the heading of Form 40 in the rules. The revised draft provides for this amendment.

S. D. 24

Additional Secretary to Government.

U.R. to Lab. Deptt., No. 2364, dated the 28th February 1949.

VGP.
4-8-56.

Legal Department.

Rule 72A of the Bombay Industrial Relations Rules, 1947 which are relatable to the provisions of section 111 of the Act provides for maintaining records of employment and data relating to plant, premises and manufacture and particulars relating to other industrial transactions and dealings in such form or forms in the Appendix to these rules as it may consider appropriate for such industry. The words "industrial transactions and dealings" would not necessarily include "industrial matters" referred to in section 111. As the intention is to require an employer to maintain a record in the prescribed form relating to the closure of a textile mill, which is an industrial matter specified in Schedule I, it is necessary to amend the said rule 72A by referring therein inter alia to "the record of industrial matter specified in clause (a) of section 111." (cf. the wording of rule 72). Further, under rule 72A copies of the forms are to be submitted to the Director of Labour Information, Bombay and to none else. If the Labour Department desires that copies of forms relating to closure of a textile mill should be submitted to other officers, these officers will have to be specified in that rule in relation to the form now proposed to be prescribed. Further rule 72A provides for a temporary order. Further rule 72A provides for a temporary order. It will be necessary to amend it in such a way as to require the maintainance and submission of returns for all times.

S. D. [illegible]

Additional Secretary to Government.

U.R. to Labour Deptt. No. 13876. dated the 1st Dec. 1949.